

REMARKS

Claims 1-61 are pending with claims 33-37 withdrawn from consideration.

The Applicant acknowledges the Office's notification that Claims 12-14 and 54 contain allowable subject matter.

The Applicant acknowledges the withdrawal of the election of species requirement.

Information Disclosure Statement

The Office states the IDS submitted 03/03/06 was not considered because each page did not comply with 1.98.

The Applicant submits at least page 1 complies with 1.98. Page 1 contains patents and publications listed in a section separately from citations of other documents. Page 1 of the list includes: (i) The application number of the application in which the information disclosure statement is being submitted; (ii) A column that provides a space, next to each document to be considered, for the examiner's initials; and (iii) A heading that clearly indicates that the list is an information disclosure statement.

Therefore, page 1 of the IDS does comply with 1.98 and the Office must consider patents 6,889,053, 6,204,808, 6,295,023, 6,295,449, 6,351,235, 6,466,164 and 6,771,629 and publications 2002/0069076 and 2003/0069694.

Rejections under 35 U.S.C. §102

The Office has improperly rejected Claims 1-8, 11, 15-32, 39-52 and 55-61 as being anticipated by Moilanen *et al.*

Claim 1 recites *inter alia*

determining which satellites of a satellite positioning system constellation are potentially visible to the mobile terminal;

determining on the basis of at least one predetermined criterion the likelihood that each of the potentially visible satellites will actually be used by the mobile terminal when determining its position; and

selecting a plurality of satellites from the potentially visible satellites having the greatest likelihood that the mobile terminal will use that satellite when determining its position;

These features generally relate to three steps

1. Establishing a group of satellites that are visible;
2. Assigning to each satellite in the visible satellite group a probability

of the satellite being used in locating the mobile; and

3. Picking satellites from the visible satellite group based on greatest probability of use.

The prior art of Moilanen, however, fails to provide each of the latter two of these distinct steps.

In the portions relied upon by the Office to provide these three steps, Moilanen states:

[0048] "Based on the mobile station location estimate and on the estimate of the current location of the positioning system satellites, it is estimated in step 304, which positioning system satellites may be visible to the mobile station in the estimated location."

[0052] "The visibility of a satellite with respect to a mobile station refers here to a probability that the mobile station is able to properly decode the signal received from a positioning system satellite. It may be sufficient to use the elevation angle of a satellite as a measure of visibility."

[0053] "In step 306 a group of satellites is selected from the satellites estimated to be visible to a mobile station. This selection is based on the estimated visibilities. This group of satellites contains the satellites most likely to be visible to the mobile station."

Moilanen above discloses determining visible satellites, determining for each of the visible satellites, its ability to be decoded by the mobile station (its degree of visibility) and then selecting the satellites having a signal that can be best received and decoded (highest visibility) by the mobile station.

Moilanen does not disclose that the probabilities are based on likelihood of use, but rather on likelihood of reception (decoding).

Likelihood of reception and likelihood of use in locating a mobile are not the same. For example, two satellites having the same elevation will have similar visibility as accessed by Moilanen, however, because of DOP, the likelihood of use may be quite different especially if one is located in close proximity to another more "visible" satellite as taught by the present application.

As Moilanen does not teach probabilities of use nor selection (or removal) based on these probabilities of use, it cannot anticipate independent Claims 1, 16, 22, 24, 28, 38¹, 41, 45, 47 and 56.

Likewise, dependent Claims 2-8, 11, 15, 17-21, 23-27, 29-32, 39, 40, 42-44, 46, 48-52, 55, 57-61 are allowable over Moilanen irrespective of the additional patentable features recited therein.

Rejection under 35 U.S.C. §103

The Office improperly rejected Claims 9, 10 and 53 as being unpatentable over Moilanen *et al.* in view of any one of Maki, Sheynblat, Nishikawa and Myers.

As discussed above, Moilanen does not disclose the determination of the likelihood of the satellite to be used. The addition of Maki, Sheynblat, Nishikawa and Myers does not obviate this deficiency.

Conclusion

In view of the above arguments, the applicant submits the application including Claims 1-32 and 38-61 is in condition for allowance.

If the Examiner has any questions relating to this response or the application in general he is respectfully requested to contact the undersigned so that prosecution may be expedited.

¹ No rejection has been provided for Claim 38, although it was included as rejected in the summary.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,



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